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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,914	09/28/2000	Roeland Pieter De Bruijne	PHN 17.674	7857

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2616

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,914

Applicant(s)

DE BRUIJNE, ROELAND PIETER

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl in view of Mascenik.

Wahl discloses a disk recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, and 11, including the feature of transporting information plates between a transfer position and a playing position provided both for reading and for writing (See Wahl's Figure 1A-1E, and further, see Wahl's claim 1, paragraphs 4, and 9), the feature of the memory for the intermediate storage of information as specified in the present claims 1, and 11. (See Wahl's column 3, lines 10-12).

Wahl fails to specifically disclose the feature of alternately move the information plates between the transfer position and the storage position wherein at least two separate storage compartments are provided for information plates that are placed in the transfer position and the storage position as specified in the present claims 1, and 11.

Mascenik does disclose a disk apparatus which includes the feature of the alternate transport means for alternately move the information plates between the transfer position and the storage position wherein at least two separate storage compartments are provided for information plates that are placed in the transfer position and the storage position, and in the transfer position, the information plate can be moved to the play position, as specified in the present claims 1, and 11. (See the capability of moving the information plates from storage position to transfer position as disclosed in the Mascenik's Figure 3, arrow A-B, and moving from the transfer position to the play position as shown in Mascenik's Figure 4, components P and 20).

It would have been obvious to one skilled in the art to modify the Wahl's apparatus wherein the transport means provided thereof would incorporate the capability of the alternate transport means for alternately move the information plates between the transfer position and the storage position wherein at least two separate storage compartments are provided for information plates that are placed in the transfer position and the storage position, and in the transfer position, the information plate can be moved to the play position in the same conventional manner as is shown by Mascenik. The motivation is to accurately access and transfer the information plate in the playing position as suggested by Mascenik.

With regard to claims 2, and 12, the feature of the device being a video recorder for the playback and/or writing of information carriers on which video data are stored, in particular information carriers in standard with the DVD standard, the VCD standard...and the DVD R/W standard as specified thereof is present in the proposed

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combination of Wahl and Mascenik indicated above. (See Wahl's column 4, lines 31-35).

With regard to claims 3, and 13, the feature of the device being an audio recorder for the playback and/or writing of information carriers on which the audio data are stored, in particular information carriers in accordance with CD-R or CD-RW standard as specified thereof is present in the proposed combination of Wahl and Mascenik. (See Wahl's column 3, lines 31-32).

With regard to claims 4, and 14, the feature of the plurality of copies of an information plate to be copied within one copying cycle as specified thereof would be present in the proposed combination indicated above. (See Wahl's column 3, lines 18-23).

With regard to claims 5, and 15, the feature of copying information from a first information plate to a second information plate as specified thereof is present in the proposed combination indicated above. (See Wahl's column 3, lines 2-3, and 15-16).

With regard to claims 6, and 16, the feature of the first time interval information read from the first information plate into the intermediate storage of the memory unit and in the second time interval the intermediate storage of information stored in the memory unit is written onto the second information plate as specified thereof is present in the proposed combination indicated above. (See Wahl's column 3, lines 11-16).

With regard to claims 7, and 17, the feature of the alternate transport mechanism moves the separate compartments between the transfer position and the storage position as specified thereof would be present in the proposed combination indicated

above. (See the capability of moving the information plates from storage position to transfer position as disclosed in the Mascenik's Figure 3, arrow A-B).

With regard to claims 8, and 18, the feature of transfer mechanism moves information plates between the playing position and the transfer position, the alternate transfer mechanism moves information plates between the transfer position and the storage position, allowing for information to be exchanged between information plates by placing information from a first information into the intermediate storage, alternating information plates in the playing position placing and placing information in the intermediate storage onto a second information plate as specified thereof would be present in the proposed combination of Wahl and Mascenik indicated above. (See the capability of moving the information plates from storage position to transfer position as disclosed in the Mascenik's Figure 3, arrow A-B, and moving from the transfer position to the play position as shown in Mascenik's Figure 4, components P and 20, and further, see Wahl's column 3, lines 2-3, and 15-16).

With regard to claims 9-10, and 19-20, the feature of the transfer mechanism moves information plates between the playing position and the transfer position, the alternate transfer mechanism moves information plates between the transfer position and the storage position, such that a first information plate is moved by the transfer mechanism from the playing position into the transfer position and the alternate transfer mechanism moves the first information plate from a transfer position into the storage position and moves a second information plate from the storage position into the transfer position allowing the transfer mechanism to place the second information plate

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into the playing position so that information can be exchanged from the first information into the intermediate storage, alternating information plates in the playing position placing information in the intermediate storage on the second information plate as specified thereof is present in the proposed combination of Wahl and Mascenik indicated above. (See Mascenik's Figures 3-5, and further, see Wahl's column 3, lines 2-3, and 15-16).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-

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4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
January 27, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER